

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY HAWKINS,

Petitioner,

v.

Civil No. 16-11657

Honorable Linda V. Parker

ANDREA D'AMOUR,

Respondent,

**OPINION AND ORDER GRANTING RESPONDENT'S MOTION FOR
EXTENSION OF TIME TO FILE ANSWER**

Before the Court is Respondent's motion seeking an additional sixty days to respond to Petitioner's habeas corpus petition. (ECF No. 5.) Respondent's counsel indicates in the motion that Petitioner's counsel does not oppose the request. (*Id.* ¶ 3.) For the reasons stated below, the Court is granting the motion.

The Federal Rules of Civil Procedure may be applied to habeas proceedings to the extent those rules are not inconsistent with any statutory provisions or the Rules Governing Section 2254 Cases. *See* Rule 12 of the Rules Governing Section 2254 Cases. Rule 6 of the Federal Rules of Civil Procedure authorizes federal courts to extend the time for when an act must be done, for good cause, "with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires." Fed. R. Civ. P. 6(b)(1)(A).

Respondent was ordered to respond to Petitioner's application for the writ of habeas corpus by November 15, 2016. (ECF No. 2.) Before the expiration of that deadline, Respondent filed her motion requesting an additional sixty days to answer the petition. There is good cause for Respondent's request. Specifically, part of the transcript from Petitioner's jury trial appears to be missing and Respondent needs time to locate the transcript and review it before addressing Petitioner's grounds for relief.

Accordingly,

IT IS ORDERED that Respondent's Motion for Extension of Time to File Answer is **GRANTED** and Respondent shall have **sixty (60) days** from the date of this Opinion and Order to file an answer to the petition for the writ of habeas corpus and the Rule 5 materials.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: November 16, 2016

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, November 16, 2016, by electronic and/or U.S. First Class mail.

s/ Richard Loury
Case Manager